

BOARD of SELECTMEN MEETING – MAY 11, 2005

7:30 P.M. – TOWN HALL LOWER LEVEL CONFERENCE ROOM
REVISED/APPROVED MINUTES

These minutes are a general summary of the meeting and are not intended to be a verbatim transcription.

In attendance: R. Marconi, B. Manners, D. Masters, J. Plock, P. Yanity

AGENDA

1. Vendor Permits (Sam Masters, Chad Cohen)
2. Resolution to Approve Pension Change
3. Francis Demrick Charitable Trust tax refund
4. Volunteer Fire Department Land for Storage – Halpin Lane
5. Approval of meeting minutes – 4/6/05
6. First Selectman's Report

R. Marconi called the meeting to order at 7:32 p.m.

Mr. Marconi requested that #2 on the agenda, Resolution to Approve Pension Change, be rescheduled for the May 25 BOS Meeting. These are pension changes negotiated by the First Selectman, the Director of Human Resources for the Town of Ridgefield, and the Personnel Director for the Ridgefield Board of Education, approved by the Board of Education and which now need to be approved by the Board of Selectmen. They are for secretarial, para-professionals and custodians. These are technical changes to the pension plan and Mr. Marconi feels that the Board needs to review them carefully. P. Yanity expressed his desire to have these changes approved also by the Pension Commission. The Commission needs to meet and vote on these changes. It would also be helpful if representatives from the Pension Commission are present at the May 25 BOS meeting

J. Plock moved and P. Yanity seconded a motion to move Agenda Item #2 – Resolution to Approve Pension Change – to the next BOS Meeting on 5/25/05. Motion approved 5-0.

1. Vendor Permits –

Sam Masters – Sam appeared before the Board to request a renewal of his vendors permit for a second year to operate his Good Humor truck. R. Marconi inquired if anyone else drives the truck, and if so, that individual must also obtain approval from the Town to do so, needs to be licensed properly and secure a police check and permit. Sam indicated that he realized that was the case. **J. Plock moved and B. Manners seconded a motion to approve the Vendor Permit for Sam Masters for Sam's Ice Cream, a Good Humor ice cream truck and cart, to December 31, 2005, contingent upon receipt in Town Hall the State of CT Sales Tax ID number. Motion passed 4-0. D. Masters excused herself from the discussion and vote as Sam Masters is her son.**

Chad Cohen – Chad appeared before the Board to request a renewal of his vendors permit. This will be the 27th year of operation as Chez Lenard, a hot dog stand on Main Street. Mr. Cohen has been the owner for the past 8-10 years. His application is complete except for any letters and/or written consents from adjoining property owners and any business located on or immediately adjacent to his proposed location. Chez Lenard is intended to be a

substantially permanent or stationary operation, one that is fixed or immobile for periods in excess of two consecutive hours of any given day. The Board has the right to inquire in the absence of such letters and/or written consents. Mr. Cohen responded that there are four tenants in the building behind his setup and the owner of the building will not let them write letters. Mr. Marconi responded that the Board would like to see such letters, but he thought that because of the past court actions, the need for the letters can be waived at the Board's discretion.

D. Masters pointed out that this is the annual renewal of Mr. Cohen's vendor permit, and anyone who has a concern has had the time to make a complaint.

R. Marconi indicated that he had received a complaint, the source of which desired to remain anonymous. They are not objecting to Chez Lenard being at the current location, but is suggesting that he be at a variety of locations on a rotating schedule. Does Chez Lenard have to be a permanent stationary operation? P. Yanity expressed the desire to have input from Town Counsel regarding the lack of written consent and/or letters. J. Plock indicated her desire to not accept complaints anonymously. Mr. Cohen responded that he is currently on State property, and the location where the sidewalk is the widest. He felt that a rotating location would not work – his customers would not know where to find him. Many of his customers are steady customers and many are contractors, and they would not have the time on their lunch hour to go looking for him at other locations.

Sam Bell, owner of 456 Main Street, introduced himself and was invited to come sit at the table for the discussion.. Mr. Bell indicated that he does not forbid his tenants to write letters. He tells them to do whatever, he would "prefer" that they do not write a letter, but he does not forbid them to do so as Mr. Cohen had indicated. B. Manners indicated a desire to hear from the tenants.

D. Masters commented on how Mr. Cohen's business brings foot traffic into Town center, he is an "open air" retail person, he runs a very successful business, and other merchants benefit from Chez Lenard being in town.

Bob Krone introduced himself. His wife is the owner of Kathryn & Co. and was ill and could not make it to the meeting. He was speaking for her at the meeting. He indicated that they do have a problem with Chez Lenard being where it is. They do not want to put him out of business, but Mr. Cohen's business does attract quite a crowd and a lot of drive-by traffic as well. People pull over in the no-parking area and either get out of their cars to get their hot dogs or Chad goes to them. Mr. Bell agreed that the no-parking zone is used as a pull-up zone. Mr. Krone feels that in the afternoon teenagers hang out by the hot dog stand. When their store door is left open (which they like to do to invite shoppers to come in), bees and the cooking odor is a problem. He also does not want Mr. Cohen to come into his store. Customers do not know why he is in a store for women. Mr. Cohen also dumps his water into either the planters or the sewer, which is not an attractive thing to be doing on Main Street. The store front of Kathryn & Co. is blocked by the traffic pulling up and stopping. He too would like to see Chez Lenard at different locations rather than always in front of his store.

Chad responded to the various points that Mr. Krone had outlined. He indicated that he cannot do anything about the food odor. It is just there. He can change where he dumps his

water and he did agree that customers do pull up and either jump out or wait to be served. He is now asking them to move on since the police complaint last week. He will not go into Kathryn & Co. anymore. Mr. Cohen indicated that he is personally on site most every single day and has let his staff manage his catering business. J. Plock suggested that his permit be approved for this one year, and in the meantime research be done as to alternative locations. B. Manners pointed out that Chez Lenard provides part of the “color of the community”. We need to try to preserve this business and it is in everyone’s best interest to assist in looking for alternative locations. Mr. Cohen agreed to be flexible regarding a different location, but feels very strongly that rotating locations would destroy his business.

Sam Bell made several comments -- During sidewalk sale days, Chez Lenard occupies so much of the space that there is no room for his tenants to display adequately their sidewalk sale items; constant clean-up is necessary for the hot dog stand; and it is a no-parking zone in front and this cannot be shrugged off as something “that happens”, the no-parking zone needs to be enforced.

John Katz, Ridgebury Road, indicated that there are no real statistics that show whether foot traffic in Ridgefield is because or not because of Chez Lenard. Chad’s business is very good for the Town. Chez Lenard has had more publicity over the 27 years than any other merchant in Town. It is the responsibility of the Police to enforce the no-parking zone, not the responsibility of the merchants.

J. Plock moved and D. Masters seconded a motion to approved the Vendor Permit for Chad Cohen for Chez Lenard, the hot dog stand on Main Street, for an additional year to 6/10/06, contingent upon the approval of Town Counsel to do so without letters of consent by adjacent property owners, and with the understanding that during this year, an investigation will be conducted to locate a more suitable location as close to the current location if possible. Motion passed 5-0.

2. Francis Demrick Charitable Trust Tax Refund – R. Marconi read a letter written by Al Garzi, Ridgefield’s Tax Assessor, requesting the change in assessment and the resultant request for a refund in taxes paid for tax years 2002 and 2003. The re-evaluation company listed the Demrick property on High Mountain as a “building lot” and not as “excess land with little value”, which is how it should have been evaluated. **P. Yanity moved and D. Masters seconded a motion to approve the refund to The Frances Demrick Charitable Trust, of excess property taxes in the amount of \$9,399.32 paid for the tax years 2002 and 2003 for the Demrick property on High Mountain which was incorrectly assessed. Motion passed 5-0.**
3. Volunteer Fire Department Land for Storage – Halpin Lane - James Belote and Douglas Cuny came forward to discuss the Volunteer Fire Department’s plans for a storage building to be constructed on Halpin Lane, to the south of the Guild of Artists location. The land has been surveyed and they are seeking a 99 year lease from the Town of Ridgefield. They would like the Board of Selectmen’s assistance in moving this project forward. The storage building will be used to house three antique vehicles. **J. Plock moved and D. Masters seconded a motion to support the Volunteer Fire Department’s moving ahead on redefinition of the property lines of the Halpin Lane property and the building of their truck storage barn. Motion passed 5-0.**

4. Approval of Meeting Minutes – 4/6/05 - **J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the April 6, 2005 Board of Selectmen Meeting. Motion passed 5-0.**

5. First Selectman’s Report –

- He is distributing copies of articles about “speed bumps”, not “speed humps”. Danbury is one of the towns trying the “bumps” – they are more gentle to the cars. The Highway Department is against them as it makes snow removal more difficult. There are a few locations in town where such “bumps” could be very helpful.
- Looking at using Magic Salt to replace sand on the roads. It would remove the cost of sweeping the roads and helps the environment. Magic Salt is expensive, but perhaps not as expensive when one looks at the total cost of sweeping and clean-up in the Spring of the sand, etc. It stays on the road longer and keeps the road warmer, thus melting the ice and snow better.
- The results of yesterday’s budget vote are in and both budgets passed. The Board of Selectmen budget had a 700 vote difference, the Board of Education budget had a 300 vote difference. The voter turnout was 25%, which is lower than the usual turnout of 28 to 32%. There was a “mad rush” at about 5:00 to 6:00.
- Stressed the need to push economic development while maintaining the character of the Town. Boehringer Ingleheim is doing a lot of hiring and building a very large daycare center on-site. A joint meeting with Planning & Zoning to discuss economic development might be helpful.
- VNA Lease – the consensus was that the BOS wants to maintain consistency of all leases in Town, their rate does reflect their non-profit status in town, and their rate should be reviewed/increased annually in the same way as other leases in town.
- Helena’s retirement party as outgoing Executive Director of the VNA is next Tuesday, May 17 at the Community Center. Jane Fields is the new hire.

J. Plock moved and P. Yanity seconded a motion to adjourn the Board of Selectmen Meeting at 8:45 p.m. Motion passed 5-0.

Respectfully submitted,

Janet L. Johnson